

Probate Notes for September 21, 2012

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you wish to continue a matter, please contact the civil division at (530) 406-6704.

Please note: The department and time for probate matters is **Department One at 9:00 a.m.**, unless otherwise noted.

CASE: LPS Conservatorship of Bates
Case No. LP SQ 11-49

The Court notes the following deficiencies:

- (1) Only one of the two required physician or psychologist affidavits stating that the conservatee is still gravely disabled has been filed with the Court. (Welf. & Inst. Code, § 5361.)
- (2) The petition has not been served on the person in charge of the facility where conservatee resides. (Welf. & Inst. Code, § 5361.)
- (3) The conservatee's right to vote is not addressed in either the report or the affidavit of Dr. Tin Zar Shain. (Welf. & Inst. Code § 5357.)

CASE: Conservatorship of Dowing
Case No. CV PC 12-153

It is recommended to grant the petition for appointment of probate conservator of the person and estate. (Prob. Code, § 1820 et seq.)

CASE: Estate of Johnson
Case No. CV PB 12-155

If proof of publication is filed with the Court, it is recommended to grant the petition for letters of administration and authorization to administer the estate under the Independent Administration of Estates Act. (Prob. Code, § 8000 et seq.) Petitioner is directed to submit a proposed order prior to the hearing.

CASE: Conservatorship of Jorg
Case No. CV PC 12-135

The Court notes the following deficiencies:

- (1) Paragraph 5(f) of the *Petition* states that the proposed conservatee IS NOT developmentally disabled. However, the petition states that the proposed conservatee suffers from "moderate mental retardation." (Paragraph 5(c)(1).) Furthermore, Attachment 3f to the Petition and item 3 of the Confidential Supplement Information form states that the proposed conservatee has a developmental disability. It is unclear whether or not the proposed conservatee is "developmentally disabled" as defined in Probate Code section 1420.

- (2) The *Petition* states that the proposed conservatee has an annual gross income of \$15,960 from “wages” and \$0 from “public assistance benefits.” (Paragraph 3(e)(3)(d).) However, the confidential referral for probate conservatorship filed July 20, 2012, states that the proposed conservatee earns approximately \$200 a month in wages, and receives \$1,130 a month from SSI.

CASE: Conservatorship of Kasmire
Case No. CV PC 11-132

It is recommended to approve the court investigator’s report and first verified account and report of conservator. (Prob. Code, § 1850 et seq.)

CASE: Conservatorship of Okendo
Case No. CV PC 12-147

It is recommended to grant the petition for appointment of probate conservator of the person and estate. (Prob. Code, § 1820 et seq.)